

REMARKS

Claims 1-21 and 27-36 are rejected in an Office Action dated November 16, 2007. Claims 1, 8, 15, 27, 31, and 32 have been amended. Claims 22-26 have been canceled. No new matter has been added. Applicants respectfully request reconsideration of the present application in view of the following remarks.

Rejections under 35 USC §112

Claims 1-7, 15-21, and 31 are rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Particularly, it is suggested that claims 1, 15, and 31 recite the limitation "said vapor path"/ "the vapor path."

Claims 1, 15, and 31 have been amended to clarify the invention and provide sufficient antecedent basis for "vapor path" in the claims.

Reconsideration and withdrawal of this rejection is respectfully requested.

Rejections under 35 USC §102

Claims 1-2, 4-5, 8-9, 11-12, 15-16, 18-19, 27-29, and 31-35 are rejected under 35 USC §102(b) as being anticipated by Bender et al. (US Patent 3,474,543).

Claims 15-21, 31, and 33-36 are rejected under 35 USC §102(b) as being anticipated by Jones (US Patent 5,522,155).

The claims of the present invention have been amended to clarify that the present invention is drawn to a venting media oriented in a vapor path and attached to the sealing perimeter at the top of the cap *wherein the venting media is external to the container opening* thus forming a barrier isolating the container from the external atmosphere.

Neither Bender nor Jones teach a venting media oriented in a vapor path and attached to the sealing perimeter at the top of the cap

wherein the venting media is external to the container opening thus forming a barrier isolating the container from the external atmosphere.

US Patent 3,474,543 to Bender et al. consists of a culture container having a mouth, said mouth being closed off by a gas permeable but bacterially impermeable plug located in the mouth of the container.

Bender differs from the present application in that the present application requires that a removable multi component cap assembly with a venting media attached to the top of the cap at the outermost surface of the vapor path is configured to ensure that the venting media is external to the container opening.

Similarly, US Patent 5,522,155 to Jones fails to teach a removable multi-component cap assembly with the venting media attached to the top of the cap at the outermost surface of the vapor path and external to the container opening.

Thus, neither Bender nor Jones teach all of the limitations of the present claims, and cannot be held to anticipate the present application.

Reconsideration and withdrawal of this rejection is respectfully requested.

Rejections under 35 USC §103

Claims 3, 10, 17, and 30 are rejected under 35 USC §103(a) as being unpatentable over Bender (US Patent 3,474,543).

Claims 6-7, 13-14, 20-21, and 36 are rejected under 35 USC §103(a) as being unpatentable over Bender (US Patent 3,474,543) in view of Jones (US Patent 5,522,155).

As discussed, *supra*, US Patent 3,474,543 to Bender et al. consists of a culture container having a mouth, said mouth being closed off by a gas permeable but bacterially impermeable plug located in the mouth of the container. Again, this invention is very different from what is taught in the present application in that the present application refers to a removable multi component cap assembly with the venting media

attached to the top of the cap at the outermost surface of the vapor path and is external to the container opening. Further, US Patent 5,522,155 to Jones similarly fails to teach a cap assembly with the venting media attached to the top of the cap at the outermost surface of the vapor path so that it is external to the container opening.

Thus, neither reference alone or together teaches or suggests all of the limitations of the present invention.

Reconsideration and withdrawal of this rejection is respectfully requested.

CONCLUSION

Applicants believe that a full and complete response has been made to the pending Office Action and respectfully submit that all of the stated objections and grounds for rejection have been overcome or rendered moot. Accordingly, Applicants respectfully submit that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicants' undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,



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Date: May 13, 2008